

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 HA-05 AF-10 ARA-10 EA-10 EUR-12

NEA-10 CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03

NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00

INRE-00 DOE-11 SOE-02 DOEE-00 /122 W

-----107508 032031Z /43

O 032037Z MAR 78

FM USMISSION GENEVA

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C O N F I D E N T I A L SECTION 01 OF 04 GENEVA 03403

E.O. 11652: GDS

TAGS: UNHRC, SHUM

SUBJECT: 34TH HUMAN RIGHTS COMMISSION--AGENDA ITEM 11,
FURTHER PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS

REF.: 1. STATE 49541, 2. GENEVA 2901, 3. GENEVA 2903

1. THE THREE MEETINGS THIS WEEK OF THE WORKING GROUP ON
AGENDA ITEM 11 CONSTITUTED AN EXERCISE IN FRUSTRATION,
WITH PROCEDURAL DEBATES AND OBSTRUCTION BY THE EASTERN
BLOC PREVENTING DECISIONS ON ANY OF THE SPECIFIC IDEAS
PREVIOUSLY PUT FORWARD.

2. AT THIS POINT IT APPEARS THAT THE PRINCIPAL ACTION
WILL BE A RESOLUTION DECIDING TO CONVENE AN OPEN-ENDED
WORKING GROUP JUST PRIOR TO THE NEXT MEETING OF THE
HUMAN RIGHTS COMMISSION TO UNDERTAKE THE NECESSARY WORK
RELATING TO THE OVERALL ANALYSIS CALLED FOR IN
RESOLUTION 32/130.

3. ALL OF THE OTHER PROPOSALS, WITH THE POSSIBLE
EXCEPTION OF THE INDIAN PROPOSAL ON NATIONAL MACHINERY
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AND THE NIGERIAN PROPOSAL FOR AN AFRICAN REGIONAL
COMMISSION, WILL BE FORWARDED TO THE WORKING GROUP FOR
FURTHER CONSIDERATION. THE JORDANIANS STILL HAVE SOME
HOPES OF PRESSING THEIR RESOLUTIONS ON TWO ANNUAL
SESSIONS TO A VOTE ALTHOUGH THE EASTERN GROUP AND SOME
MEMBERS OF THE WESTERN GROUP (CANADA AND AUSTRALIA) ARE
OPPOSED.

4. THE DECISION TO FORWARD ALL PROPOSALS TO THE WORKING GROUP ON THE OVERALL ANALYSIS, INCLUDES OF COURSE, THE PROPOSAL FOR ESTABLISHMENT OF THE HIGH COMMISSIONER. THE CO-SPONSORS AND INTERESTED SUPPORTERS OF THE HIGH COMMISSIONER PROPOSAL HELD MEETINGS EARLY IN THE SESSION TO ASSESS THE DEGREE OF SUPPORT FOR PROPOSAL AND DISCUSS TACTICS. WHILE IT WAS FELT THAT SOME FORM OF WATERED DOWN PROPOSAL, SUCH AS COORDINATOR OR UNDER-SECRETARY, COULD BE PUSHED AND PROBABLY ACCEPTED, THE CO-SPONSORS DECIDED TO TAKE THE HIGH ROAD AND OPTED TO MAINTAIN THE HIGH COMMISSIONER PROPOSAL INTACT EVEN IF THIS REQUIRED TAKING A LONG-TERM APPROACH AND AGREEING TO HAVE THE HIGH COMMISSIONER PROPOSAL SIMPLY FORWARDED TO THE WORKING GROUP ON THE OVERALL ANALYSIS. USDEL ATTEMPTED TO CONVERT KEY DELEGATIONS SUCH AS NIGERIA AND INDIA BUT WAS UNSUCCESSFUL. FOLLOWING DISCUSSION WITH REP MEZVINSKY, MADAME PANDIT PROMISED TO QUERY NEW DELHI AND INDICATE HER SUPPORT FOR THE HIGH COMMISSIONER. SHE SUBSEQUENTLY REPORTED HER EFFORTS WERE UNSUCCESSFUL AND THE INDIAN POSITION REMAINED UNCHANGED.

5. DURING THE COURSE OF THE WEEK THE DELEGATIONS OF CUBA, BULGARIA AND POLAND TABLED A LOATHSOME TEXT WHICH INCORPORATED THE IDEAS EXPRESSED BY AMBASSADOR ZORIN (USSR), IN HIS GENERAL DEBATE STATEMENT (REFTEL 3).
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THE RESOLUTION CALLS FOR INCREASING THE SIZE OF THE COMMISSION AND CHANGING THE TERMS OF REFERENCE OF THE COMMISSION TO INTER ALIA ACCORD WITH THE TERMS OF RESOLUTION 32/130, TO IMPLEMENT THE NIEO, AND PROMOTE EFFORTS TO STRENGTHEN INTERNATIONAL PEACE AND SECURITY AS A PRECONDITION FOR FULL EXERCISE OF HUMAN RIGHTS. THE REACTION TO THE TEXT AMONG THE LATIN DELEGATIONS AS WELL AS MODERATE AFRICANS WAS STRONGLY NEGATIVE. IT IS OUR JUDGMENT THAT THE TEXT WAS TABLED AS A BARGAINING CHIP TO HELP FEND OFF THE HIGH COMMISSIONER AND OTHER PROPOSALS AND THAT THE TEXT WILL NOT BE PUSHED TO A VOTE. HOWEVER, WE ARE TRANSMITTING THE TEXT AS THE LAST PARAGRAPH BELOW. IF THE RESOLUTION WERE PUT TO A VOTE, WE WOULD PREFER A "NO" VOTE, WITH AN EXPLANATION OF VOTE FOCUSED ON THE UNACCEPTABLE CONTENTS OF THE ANNEX, PARTICULARLY PARAS. 1, 3, 4, 6, 7, AND 8. WE WOULD APPRECIATE DEPARTMENT COMMENTS.

6. TWO OTHER PROPOSALS WERE TABLED BUT HAVE NOT BEEN TRANSMITTED AS THE SPONSORS DO NOT NOW INTEND TO PRESS FOR VOTES. THESE ARE A CANADIAN PROPOSAL FOR CREATION OF TWO SUB-COMMISSIONS, AND AN AUSTRIAN PROPOSAL ASKING

FOR A STUDY OF THE VARIOUS WAYS IN WHICH HUMAN RIGHTS INSTRUMENTS ARE INTERPRETED AND APPLIED. WE HAVE NO ENTHUSIASM FOR EITHER OF THESE PROPOSALS.

7. FOLLOWING THE WEDNESDAY MEETING OF THE WORKING GROUP, IT APPEARED THAT THERE COULD BE NO CONSENSUS ON ANYTHING EXCEPT THE IDEA TO ESTABLISH A ONE WEEK WORKING GROUP FOR THE OVERALL ANALYSIS. THE CHAIRMAN THEN DECIDED TO ESTABLISH A SMALL GROUP, INCLUDING THE U.S., TO MEET AND ATTEMPT TO REACH SOME CONCRETE CONCLUSIONS. THE SMALL GROUP MET THURSDAY, MARCH 2, AND AGREED TO A DRAFT

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REPORT WHICH SIMPLY LISTED ALL OF THE IDEAS SUCH AS A HIGH COMMISSIONER, INCREASING THE SIZE OF THE HRC, ETC. PUT FORWARD DURING THE DISCUSSIONS OF THE WORKING GROUP. THE SMALL GROUP ALSO AGREED TO THE TEXT OF A RESOLUTION (PUT FORWARD BY THE USSR) WHICH AGREED TO ESTABLISH AN OPEN-ENDED WORKING GROUP TO MEET IMMEDIATELY BEFORE THE NEXT SESSION OF THE HRC TO CONTINUE WORK ON THE OVERALL ANALYSIS. ALTHOUGH USDEL EARLIER SUPPORTED THE IDEA OF A SPECIAL SESSION TO BE HELD BEFORE THE GA, THE MAJORITY OF THE HRC APPEARED TO BE OPPOSED TO SPECIAL SESSION, AND TO PREFER A MEETING JUST PRIOR TO THE NEXT HRC.

8. THE SMALL GROUP THUS ADJOURNED ON THE ASSUMPTION THAT THIS AGREEMENT WOULD HOLD TOGETHER DURING THE FRIDAY MEETING OF THE WORKING GROUP. HOWEVER, AT THE FRIDAY MEETING AMB. ZORIN TOOK THE FLOOR AND OFFERED MAJOR AMENDMENTS TO THE SAME TEXTS HE HAD AGREED TO EARLIER, CLAIMING--WITH THE HELP OF BULGARIA AND YUGOSLAVIA--

THAT THE DRAFT REPORT WAS COMPLETELY UNBALANCED AND UNACCEPTABLE. WITH THE PREVIOUS AGREEMENT APPARENTLY IN SHREDS AND TIME RUNNING OUT, THE CHAIRMAN SUGGESTED CONVENING A SMALL GROUP AGAIN DN MONDAY TO WORK ON ANOTHER PACKAGE. THE SOVIETS APPEAR TO BE MOSTLY UNHAPPY
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THAT THE IDEA FOR CREATION OF THE HIGH COMMISSIONER IS EVEN LISTED IN THE SAME MANNER AS THE OTHER PROPOSALS AND ARE SEEKING SOME WORDING OF THE REPORT WHICH WILL CAST AS MUCH DOUBT AS POSSIBLE ON THE ACCEPTANCE OF THE HIGH COMMISSIONER PROPOSAL. WE BELIEVE WE WILL BE ABLE TO REACH AGREEMENT AT THE MONDAY MEETING, BUT THE OUTCOME OF THIS EXERCISE IS STILL UNPREDICTABLE.

9. COMMENT: WHILE THE PROPOSAL TO SIMPLY FORWARD THE HIGH COMMISSIONER PROPOSAL TO THE WORKING GROUP ON THE OVERALL ANALYSIS WILL NECESSARILY PRECLUDE DISCUSSION OF THE PROPOSAL AT THE NEXT GENERAL ASSEMBLY, WE FEEL THIS IS THE BEST POSSIBLE OUTCOME AS THE PROPOSAL REMAINS BEFORE THE COMMISSION, HAS NOT BEEN WATERED DOWN, AND WE CAN CONTINUE THE PROCESS OF WINNING ESSENTIAL ADDITIONAL SUPPORT OVER THE NEXT YEAR.

10. TEXT OF BULGARIAN PROPOSAL FOLLOWS.
BEGIN TEXT. THE COMMISSION ON HUMAN RIGHTS,

HAVING STARTED AN ANALYSIS OF THE ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ACCORDANCE WITH THE GENERAL ASSEMBLY RESOLUTION 32/130,

EMPHASIZING THAT THE APPROACH TO THE FUTURE WORK WITHIN THE UNITED NATIONS SYSTEM WITH RESPECT TO THE HUMAN RIGHTS QUESTIONS MUST TAKE FULLY AND COMPREHENSIVELY INTO ACCOUNT THE CONCEPTS APPROVED BY THE GENERAL ASSEMBLY IN ITS RESOLUTION 32/130,

RECOMMENDS TO THE ECONOMIC AND SOCIAL COUNCIL THAT IT
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ADOPT THE FOLLOWING DRAFT RESOLUTION WITH THE AIM OF IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WITHIN THE UNITED NATIONS SYSTEM:

QTE. THE ECONOMIC AND SOCIAL COUNCIL,

CONVINCED THAT THE OBLIGATION OF ALL STATES TO OBSERVE
THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED
NATIONS IS FUNDAMENTAL FOR PROMOTING AND ENCOURAGING
RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR
ALL, WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR
RELIGION,

MINDFUL OF THE OBLIGATIONS ENTRUSTED UNDER THE CHARTER
TO THE ECONOMIC AND SOCIAL COUNCIL WITH RESPECT TO POLICY
FORMULATION AND CO-ORDINATION OF THE ACTIVITIES OF THE
UNITED NATIONS SYSTEM IN THE FIELD OF HUMAN RIGHTS,

RECALLING ITS RESOLUTION 5 (I) OF 16 FEBRUARY 1946
ESTABLISHING THE COMMISSION ON HUMAN RIGHTS AND NOTING
THAT, ALTHOUGH THE MEMBERSHIP AND TERMS OF REFERENCE OF
THE COMMISSION HAVE BEEN EXPANDED AND MODIFIED SINCE ITS
ESTABLISHMENT IN 1946, THE NUMBER OF ITS MEMBERS IS NOT
COMPATIBLE WITH THE CURRENT MEMBERSHIP OF THE UNITED
NATIONS AND THAT ITS TERMS OF REFERENCE SHOULD BE
IMPROVED,

- I. 1. REQUESTS THE SECRETARY-GENERAL OF THE UNITED
NATIONS TO CONTINUE TO RENDER GOOD OFFICES IN THE FIELD
OF HUMANITARIAN PROBLEMS AT THE SPECIFIC REQUEST AND
WITH THE EXPLICIT CONSENT OF THE STATES CONCERNED;
2. REQUESTS THE SECRETARY-GENERAL TO UNDERTAKE APPROP-
RIATE MEASURES WITH A VIEW TO EXPANDING AND INTENSIFYING

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THE IMPLEMENTATION OF THE PROGRAMME OF ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS UNDER GENERAL ASSEMBLY RESOLUTION 926 (X), IN PARTICULAR, MEASURES FOR ACTIVELY PROMOTING UNDERSTANDING OF THE BASIC HUMAN RIGHTS INHERENT IN THE ESTABLISHMENT OF THE NEW INTERNATIONAL ECONOMIC ORDER THROUGH HOLDING REGIONAL AND WORLD-WIDE SEMINARS AND STUDY COURSES AND MAKING AVAILABLE EXPERTS AS WELL AS SCHOLARSHIPS, AT THE REQUEST OF THE INTERESTED GOVERNMENTS.

II. 1. NOTES THE IMPORTANT ROLE PLAYED WITHIN THE UNITED NATIONS BY THE COMMISSION ON HUMAN RIGHTS AS AN ORGAN WHICH ELABORATES MEASURES TO ENCOURAGE AND PROMOTE RESPECT FOR HUMAN RIGHTS AND PREPARES PROPOSALS, RECOMMENDATIONS AND REPORTS TO THE COUNCIL ON HUMAN RIGHTS QUESTIONS;

2. DECIDES TO INCREASE THE NUMBER OF MEMBERS OF THE COMMISSION ON HUMAN RIGHTS TO (BLANK), WHILE MAINTAINING EQUITABLE GEOGRAPHIC DISTRIBUTION IN ITS MEMBERSHIP;

3. APPROVES THE TERMS OF REFERENCE OF THE COMMISSION ON HUMAN RIGHTS SET OUT IN THE ANNEX TO THE PRESENT
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RESOLUTION, WHICH ARE TO BE ADDED TO ITS EXISTING TERMS OF REFERENCE;

4. AUTHORIZES THE COMMISSION ON HUMAN RIGHTS TO HAVE AN ANNUAL SESSION OF UP TO SIX WEEKS' DURATION;

5. AUTHORIZES THE COMMISSION ON HUMAN RIGHTS, WITH THE APPROVAL OF THE COUNCIL, TO ENTRUST ITS BUREAU:

(A) TO MEET FOR THREE DAYS PRIOR TO EACH SESSION OF THE COMMISSION TO PREPARE SUGGESTIONS CONCERNING THE ORGANIZATION OF THE WORK OF THE SESSION;

(B) TO MEET IN EXCEPTIONAL CIRCUMSTANCES WHEN PROMPT MEASURES ARE REQUIRED WITH REGARD TO MASS AND FLAGRANT VIOLATIONS OF HUMAN RIGHTS OF PEOPLES AND PERSONS AFFECTED BY SITUATIONS RESULTING FROM APARTHEID, FROM ALL FORMS OF RACIAL DISCRIMINATION, FROM COLONIALISM, FROM FOREIGN DOMINATION OR OCCUPATION, FROM AGGRESSION AND THREATS AGAINST NATIONAL SOVEREIGNTY, NATIONAL UNITY AND TERRITORIAL INTEGRITY, AS WELL AS FROM THE REFUSAL TO RECOGNIZE THE FUNDAMENTAL RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF EVERY NATION TO THE EXERCISE OF FULL SOVEREIGNTY OVER ITS WEALTH AND NATURAL RESOURCES; THE STATES MEMBERS OF THE COMMISSION SHALL BE CONSULTED

IMMEDIATELY ON THE MEASURES TO BE TAKEN IN THE ABOVE-MENTIONED CASES.

ANNEX. ADDITIONAL TERMS OF REFERENCE OF THE COMMISSION ON HUMAN RIGHTS, TO BE ADDED TO ITS EXISTING TERMS OF REFERENCE

QTE. THE COMMISSION ON HUMAN RIGHTS IS AUTHORIZED TO
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WORK OUT AND SUBMIT TO THE ECONOMIC AND SOCIAL COUNCIL PROPOSALS, RECOMMENDATIONS, REPORTS AND STUDIES DESIGNED TO PROMOTE UNIVERSAL ATTENTION TO, RESPECT FOR AND EFFECTIVE EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL, WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION, IN ACCORDANCE WITH THE AIMS AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS, ACCOUNT BEING TAKEN OF THE RELEVANT DECISIONS OF THE UNITED NATIONS, AND IN PARTICULAR:

(1) TO GIVE EQUAL ATTENTION AND URGENT CONSIDERATION TO THE PROMOTION AND REALIZATION OF CIVIL AND POLITICAL RIGHTS AND OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS, BEARING IN MIND THAT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ARE ENSURING ECONOMIC, SOCIAL AND CULTURAL RIGHTS FOR ALL HUMAN BEINGS AND ALL PEOPLES;

(2) TO MAKE AN EXAMINATION OF QUESTIONS OF HUMAN RIGHTS, TAKING INTO ACCOUNT THE GENERAL CONTEXT OF THE DIFFERENT SOCIETIES IN WHICH THEY ARISE, AND THE NEED TO PROMOTE THE FULL DIGNITY OF THE HUMAN PERSON AND THE DEVELOPMENT AND WELL-BEING OF SOCIETY;

(3) TO TAKE ACTION TO BRING ABOUT THE NEW INTERNATIONAL ECONOMIC ORDER AS AN ESSENTIAL ELEMENT IN THE EFFECTIVE PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND TO GIVE PRIORITY TO THIS MATTER;

(4) TO REVIEW MASS AND FLAGRANT VIOLATIONS OF THE HUMAN RIGHTS OF PEOPLES AND PERSONS AFFECTED BY SITUATIONS RESULTING FROM APARTHEID, FROM ALL FORMS OF RACIAL DISCRIMINATION, FROM COLONIALISM, FROM FOREIGN DOMINATION AND OCCUPATION, FROM AGGRESSION AND THREATS AGAINST NAT-

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NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00
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IONAL SOVEREIGNTY, NATIONAL UNITY AND TERRITORIAL
INTEGRITY, AS WELL AS FROM THE REFUSAL TO RECOGNIZE THE
FUNDAMENTAL RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF
EVERY NATION TO THE EXERCISE OF FULL SOVEREIGNTY OVER
ITS NATURAL WEALTH AND RESOURCES;

(5) TO STRENGTHEN AND DEVELOP TREATY-BASED INTERNATIONAL
COOPERATION IN THE SPHERE OF HUMAN RIGHTS BY ELABORATING
DRAFT CONVENTIONS AND OTHER ACTS AND BY TAKING APPROP-
RIATE MEASURES TO ENSURE THE MAXIMUM POSSIBLE PARTICIPATI-
ON IN THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND OTH-
ER RELEVANT INTERNATIONAL INSTRUMENTS;

(6) TO PROMOTE EFFORTS TO STRENGTHEN INTERNATIONAL
PEACE, SECURITY AND JUSTICE AS A NECESSARY PRECONDITION
FOR THE FULL EXERCISE OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS;

(7) TO PROMOTE THE EARLIEST IMPLEMENTATION OF THE RIGHTS
OF PEOPLES AND PERSONS ON THE BASIS OF THE DECLARATION
ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES AND THE PROGRAMME OF THE DECADE FOR ACTION
TO COMBAT RACISM AND RACIAL DISCRIMINATION;

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(8) TO TAKE NECESSARY MEASURES TO ENSURE HUMAN RIGHTS
IN ACCORDANCE WITH THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID;

(9) TO WORK OUT MEASURES TO ENCOURAGE THE USE OF
SCIENTIFIC AND TECHNOLOGICAL PROGRESS FOR THE BENEFIT

OF MANKIND, IN THE INTEREST OF THE RIGHTS OF PEOPLES
AND PERSONS;

(10) TO MONITOR THE IMPLEMENTATION OF THE PROGRAMS OF
ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS AND TO
TAKE APPROPRIATE MEASURES TO STRENGTHEN THIS ACTIVITY;

(11) TO PREPARE THE COMMISSION'S LONG-TERM WORK
PROGRAMME. UNQTE. END TEXT. SORENSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, MEETING PROCEEDINGS, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 03 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA03403
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780098-0750
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197803111/aaaadpzl.tel
Line Count: 449
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
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Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 9
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 49541, 78 GENEVA 2901, 78 GENEVA 2903
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3131702
Secure: OPEN
Status: NATIVE
Subject: 34TH HUMAN RIGHTS COMMISSION--AGENDA ITEM 11, FURTHER PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
TAGS: SHUM, UNHRC
To: STATE USUN NEW YORK
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/3eb7bab9-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014